

Notice of Allowability

Application No.

09/901,907

Examiner

Gina C. Yu

Applicant(s)

GUILLOU ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed on April 6, 2006, and telephone interview on June 22, 2006.
2. ☒ The allowed claim(s) is/are 2, 5, 6, 7, 8, 10, 11, 14, 15, 17-22, and 24, renumbered to claims 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey McIntyre on June 22, 2006.

The application has been amended as follows:

Cancel claims 1, 3, 4, 9, 13, 16, 23, and 25.

In claim 24, lines ~~6~~11, delete "the cationic polymer is selected from the group consisting of homopolymers and copolymers of acrylic esters, methacrylic esters and amides comprising an anion derived from an inorganic or organic acid; polymers of alkyldiallylamine or of dialkyldiallylammonium; quaternary polymers of vinylpyrrolidone, of imidazole, of vinylimidazole or of methylvinylimidazole; vinylpyrrolidone polymers comprising methacrylamidopropyl dimethylamine or methacrylamidopropyl trimethylammonium units; and their blends"; and

insert, line ~~6~~¹¹, after "wherein",

"(1) the said at least one phosphate surfactant component is selected from the group consisting of monolauryl phosphate, the potassium salt of dodecyl phosphate, the octyl monoester and octyl diester of phosphoric acid, the ethoxylated (7mol. Of EO) 2-butyloctanol monoester and the oxylated (7 mol. Of EO) 2-butyloctanol diester of

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phosphoric acid, the potassium or triethanolamine salts of monoalkyl (C12-C13)

phosphate, or potassium lauryl phosphate;

(2) the said at least one foaming nonionic surfactant is selected from the group consisting of alkylpolyglucosides and polyglycerolated fatty alcohols, and

(3) the said at least one cationic polymer selected from the group consisting of polyquaternium-5, polyquaternium-47, polyquaternium-7, polyquaternium-39, polyquaternium-28 and polyquaternium-44”.

In claim 2, after “Claim”, delete “1” and insert “24”.

In claim 5, after “Claim”, delete “1” and insert “24”.

In claim 7, after “Claim”, delete “1” and insert “24”.

In claim 10, after “Claim”, delete “1” and insert “24”.

In claim 14, after “Claim”, delete “1” and insert “24”.

In claim 17, after “Claim”, delete “1” and insert “24”.

In claim 18, after “Claim”, delete “1” and insert “24”.

In claim 19, line 3, after “Claim”, delete “1” and insert “24”.

In claim 20, line 3, after “Claim”, delete “1” and insert “24”.

In claim 21, line 2, after “Claim”, delete “1” and insert “24”.

In claim 22, line 2, after “Claim”, delete “1” and insert “24”.

REASON FOR ALLOWANCE

Claims 2, 5, 6, 7, 8, 10, 11, 14, 15, 17-22, and 24 are allowed, and renumbered to claims 1-16, previous claim 24 being renumbered to claim 1. The following is an examiner's statement of reasons for allowance:

The claimed invention is directed to a transparent composition comprising at least one phosphate anionic surfactant, nonionic foaming surfactants, and cationic conditioning polymers, wherein these active ingredients are selected from the recited components in the claim. Amphoteric surfactants are excluded from the composition.

Lukenbach (US 6090773 A) teaches a conditioning shampoo or body cleanser composition that requires cationic polymers, an amphoteric surfactant, anionic surfactant, and a nonionic surfactant. Derian (US 6262130 B1) teaches that potassium salt of dodecyl phosphate is used to make a transparent aqueous cleansing composition. While Lukenbach generally teaches that polyquarterniums in general are useful for the prior art invention, there is no specific motivation found in the combined teachings of the reference to select the applicants' cationic polymers, which are devoid of saccharide, and exclude amphoteric surfactants, which are required in the prior art composition. Furthermore, declaration filed on March 2005 indicates that combination of the phosphate anionic surfactant and a polyquaternium devoid of saccharide unexpectedly increases foam density and rinsing property, while reducing bubble size and maintaining the foam volume. See declaration, 6th par. The data there shows that a skilled artisan would have expected, based on the properties of the individual components, adding the two would instead reduce the foam density/volume and

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increase the bubble size. Thus, examiner is of the opinion that the claimed invention is nonobvious over the prior arts, as the combine teachings of the references do not provide specific motivation to select the claimed surfactants/cationic polymer combination, and the applicants' composition produces a greater than expected foaming and rinsing properties.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

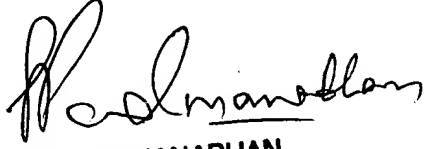
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gina C. Yu whose telephone number is 571-272-8605. The examiner can normally be reached on Monday through Friday, from 7:00AM until 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gina Yu
Patent Examiner



SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER